

REMARKS

The final Office Action of January 18, 2006, and the Advisory Action of May 22, 2006, have been received and reviewed.

Claims 1-22 were previously pending and under consideration in the above-referenced application. Of these, claims 1-16 and 18-22 were rejected. The Office has indicated that the subject matter recited in claim 17 is free of the prior art and, presumably, allowable.

Claim 17 has been canceled without prejudice or disclaimer. Independent claims 1 and 20 have also been revised without prejudice or disclaimer to the subject matter previously recited therein.

Reconsideration of the above-referenced application is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-3, 7-16, and 18-22 stand rejected under 35 U.S.C. § 102(b) for being directed to subject matter that is purportedly anticipated by the subject matter described in U.S. Patent 5,080,895 to Tokoro (hereinafter "Tokoro").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1 and 20 have been amended to recite methods that include, among other things, "administering to [a] treated animal a quantity of a composition including an extract of a non-avian egg obtained from a non-avian source animal." Among other things, Tokoro does not expressly or inherently describe a method that includes treating an animal with an extract of an egg from a non-avian source. *See, e.g.*, Final Office Action of January 18, 2006, page 8. Therefore, it is respectfully submitted that, under 35 U.S.C. § 102(b), the subject matter recited in each of amended independent claims 1 and 20 is allowable over the disclosure of Tokoro.

Claims 2, 3, 7-16, 18, 19, and 22 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Claims 21 is allowable, among other reasons, for depending directly from claim 20, which is allowable.

It is respectfully requested that the 35 U.S.C. § 102(b) rejections of claims 1-3, 7-16, and 18-22 be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 4-6 have been rejected under 35 U.S.C. § 103(a) for being directed to subject matter that is allegedly unpatentable over the subject matter taught in Tokoro, in view of teachings from U.S. Patent 5,840,700 to Kirkpatrick et al. (hereinafter "Kirkpatrick").

Claims 4-6 are each allowable, among other reasons, for depending directly from claim 1, which is allowable.

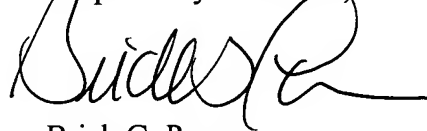
Allowable Subject Matter

The indication that claim 17 is drawn to subject matter that is allowable over the art of record is noted with appreciation. The allowable limitation from claim 17 has been incorporated into independent claims 1 and 20 to expedite allowance of the above-referenced application.

CONCLUSION

It is respectfully submitted that each of claims 1-16 and 18-22 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", written over a horizontal line.

Brick G. Power
Registration No. 38,581
Attorney for Applicants
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: June 19, 2006
BGP/dn:eg
Document in ProLaw